

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

THE NAUGHTYS LLC,

Plaintiff,

v.

DOES 1-580,

Defendants.

Civil Action No. 4:21-cv-00492-O

**DECLARATION OF XIAODONG LI IN SUPPORT OF DEFENDANTS' RESPONSE IN
OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

I, Xiaodong Li, hereby declare, and state as follows:

1. I am the general manager of Shanghai Yinqiang E-Commerce Co., Ltd. ("Yinqiang"), the operator of 59 Defendants stores leihuyoumecheng, twentyfoursevenzing, midoudou966, crystaltreq, topwardrobe2014, xubo1234567, zhanghuihui8968, Shanghai Yiyuan Materia Co. Ltd, laptopallfor87, kiwi4fruit0, thatkey, excellbuying, qb.studio, rearrange518, yhxclx2010, shanghai.vzu, supermarket88820 16, shibaynu, fastdealblast, dongmakjhg, gracefulvara, kunjiadaren, abala.coco, nau34ghty, balaco.2u, modecathy, shanghai.box, whis3persing5, lilybeibei, dr3ag8on, oneshot77-7, 1st.ing, wannaaone11, waldpcraik6868, lzhlds2010_6, tiger.vzu, tdcq888, barrylyle, 5073283, jilikejien, fashion group, covk9015mv, zhuhong2374, Denlezhi Skirts, zengshop2020, Shanghai North Import & Export Co., Ltd, xuannyin, newmcx2016-8, ladysun889, chenrenz, thsix1666, heyuanken, wangdaoyuenkl, yangshuiyashi, rianbox, usewith, shenghuocon, qiaonews_14, and teanaf (Collectively "Defendant Stores").

2. I am over the age of eighteen and have personal knowledge of the facts set forth in this Declaration. I am competent to testify as to all matters stated, and I am not under any legal

disability that would in any way preclude me from testifying. The following information regarding sales information is accurate to the best of my knowledge.

3. Defendant Stores sell consumer goods through eBay.com and/or Wish.com, two prominent online e-commerce sites.

4. Yinqiang is a company organized under the laws of China.

5. Yinqiang respects other's intellectual property rights. We have a procedure in place to avoid infringement of other's trademarks and other intellectual property rights. However, potential copyright infringement issues are much more difficult to detect because the U.S. Copyright Office only makes the basic registration information public, but not the actual registered works.

6. The accused naughty Santa product was acquired from a vendor at 1688.com, an e-commerce website. When Defendant Stores first started selling the accused product in November 2020, we were not aware the accused designs are copyrighted works.

7. It is our understanding that Plaintiff did not file the copyright registration application for the asserted copyrights until July 12, 2016 (Reg. Nos. VA 2-058-421, VA 2-058-419) or very recently on February 10 and 11, 2021 (Reg. Nos. VA 2-237-338 and VA 2-237-579 respectively).

8. We purchased the accused products from an online store operated by Yiwu Chengzhi E-Commerce Trading Co. Ltd. at 1688.com. The supplier is located in Yiwu, Jinhua, China.

9. The 59 Defendant Stores sell tens of thousands of different kinds of products. The accused product constitutes a very tiny portion of the products these Defendant Stores sell. The Defendant Stores sold a total of 789 units of the accused product in its lifetime. The total revenue

from the accused product is about \$3176.67. The revenue from the accused product constitutes about 0.024% of the overall sales generated by Defendant Stores. The total revenue generated from Defendant Stores is over \$13.5 Million from April 1, 2020 to April 1, 2020.

10. Many of the Defendant Stores did not make a single sale of the accused product at all. Exhibit A-1 include details about the number of sales and revenue generated from each of the stores, and percentage of the overall revenue of each store.

11. The total restrained amount because of the Temporary Restraining Order is about \$220,000.

12. The restriction on the store accounts have caused severe difficulties on the company's operation as we are prohibited from withdrawing any fund from the restrained accounts. The restrained accounts include money from sales of goods for the entire store. While we are still able to operate the stores, we cannot use the money for refund, past-due to our suppliers, and employee salaries etc.

I declare under penalty of perjury of the law of the United States of America that the foregoing is true and correct.

Executed on the 18th day of May, in Shanghai, China.

Xiaodong Li

Xiaodong Li

EXHIBIT A-1

Table –Sales of the Accused Product of the Defendant Stores

| Store Name | Units | Amount | Percentage of Store Sales Revenue |
|----------------------------------|-------|----------|-----------------------------------|
| leihuyoumechenger | 2 | \$8.09 | 0.001% |
| twentyfoursevenzing | 0 | \$0.00 | 0.000% |
| midoudou966 | 8 | \$29.24 | 0.069% |
| crystalreq | 0 | \$0.00 | 0.000% |
| topwardrobe2014 | 0 | \$0.00 | 0.000% |
| xubo1234567 | 129 | \$648.06 | 1.045% |
| zhanghuihui8968 | 0 | \$0.00 | 0.000% |
| Shanghai Yiyuan Material Co. Ltd | 53 | \$250.39 | 0.896% |
| laptopallfor87 | 46 | \$137.48 | 0.013% |
| kiwi4fruit0 | 2 | \$8.24 | 0.001% |
| thatkey | 11 | \$33.44 | 0.005% |
| excellbuying | 0 | \$0.00 | 0.000% |
| qb.studio | 25 | \$85.23 | 0.015% |
| rearrange518 | 41 | \$131.10 | 0.025% |
| yhxclx2010 | 6 | \$17.26 | 0.003% |
| shanghai.vzu | 0 | \$0.00 | 0.000% |
| supermarket88820 16 | 0 | \$0.00 | 0.000% |
| shibaynu | 10 | \$31.88 | 0.007% |
| fastdealblast | 0 | \$0.00 | 0.000% |
| dongmakjhg | 2 | \$4.35 | 0.001% |
| gracefulvara | 0 | \$0.00 | 0.000% |
| kunjiadaren | 0 | \$0.00 | 0.000% |
| abala.coco | 0 | \$0.00 | 0.000% |
| nau34ghty | 6 | \$23.79 | 0.006% |
| balaco.2u | 2 | \$6.38 | 0.002% |
| modecathy | 0 | \$0.00 | 0.000% |
| shanghai.box | 2 | \$4.35 | 0.001% |
| whis3persing5 | 0 | \$0.00 | 0.000% |
| lilybeibei | 5 | \$23.02 | 0.008% |
| dr3ag8on | 0 | \$0.00 | 0.000% |
| oneshot77-7 | 28 | \$112.29 | 0.059% |
| 1st.ing | 0 | \$0.00 | 0.000% |
| wannaaone11 | 0 | \$0.00 | 0.000% |
| waldpcraik6868 | 127 | \$386.31 | 0.285% |
| lzhlds2010 6 | 0 | \$0.00 | 0.000% |
| tiger.vzu | 0 | \$0.00 | 0.000% |

| | | | |
|--|------------|------------------|---------------|
| tdcq888 | 2 | \$8.09 | 0.010% |
| barrylyle | 7 | \$30.79 | 0.042% |
| 5073283 | 0 | \$0.00 | 0.000% |
| jilikejien | 1 | \$3.58 | 0.006% |
| fashion group | 5 | \$20.68 | 0.033% |
| covk9015mv | 195 | \$882.27 | 1.595% |
| zhuhong2374 | 1 | \$6.22 | 0.012% |
| Denlezhi Skirts | 4 | \$22.40 | 0.044% |
| zengshop2020 | 0 | \$0.00 | 0.000% |
| Shanghai North Import & Export Co., Ltd | 21 | \$105.60 | 0.269% |
| xuannyin | 12 | \$41.84 | 0.111% |
| newmcx2016-8 | 0 | \$0.00 | 0.000% |
| ladysun889 | 0 | \$0.00 | 0.000% |
| chenrenz | 4 | \$15.86 | 0.064% |
| thsix1666 | 2 | \$4.35 | 0.019% |
| zheyuanken | 1 | \$4.20 | 0.019% |
| wangdaoyuenkl | 0 | \$0.00 | 0.000% |
| yangshuiyashi | 0 | \$0.00 | 0.000% |
| rianbox | 22 | \$62.67 | 0.372% |
| usewith | 3 | \$14.00 | 0.172% |
| shenghuocon | 0 | \$0.00 | 0.000% |
| qiaonews 14 | 2 | \$5.13 | 0.106% |
| teanaf | 2 | \$8.09 | 1.145% |
| TOTAL/AVERAGE | 789 | \$3176.67 | 0.024% |